

1 AN ACT to amend the School Code by changing Section
2 2-3.25g.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The School Code is amended by changing
6 Section 2-3.25g as follows:

7 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

8 Sec. 2-3.25g. Waiver or modification of mandates within
9 the School Code and administrative rules and regulations.
10 Notwithstanding any other provisions of this School Code or
11 any other law of this State to the contrary, school districts
12 may petition the State Board of Education for the waiver or
13 modification of the mandates of this School Code or of the
14 administrative rules and regulations promulgated by the State
15 Board of Education. Waivers or modifications of
16 administrative rules and regulations and modifications of
17 mandates of this School Code may be requested when a school
18 district demonstrates that it can address the intent of the
19 rule or mandate in a more effective, efficient, or economical
20 manner or when necessary to stimulate innovation or improve
21 student performance. Waivers of mandates of the School Code
22 may be requested when the waivers are necessary to stimulate
23 innovation or improve student performance. Waivers may not
24 be requested from laws, rules, and regulations pertaining to
25 special education, teacher certification, or teacher tenure
26 and seniority.

27 School districts, as a matter of inherent managerial
28 policy, and any Independent Authority established under
29 Section 2-3.25f may submit an application for a waiver or
30 modification authorized under this Section. Each application
31 must include a written request by the school district or

1 Independent Authority and must demonstrate that the intent of
2 the mandate can be addressed in a more effective, efficient,
3 or economical manner or be based upon a specific plan for
4 improved student performance and school improvement. Any
5 district requesting a waiver or modification for the reason
6 that intent of the mandate can be addressed in a more
7 economical manner shall include in the application a fiscal
8 analysis showing current expenditures on the mandate and
9 projected savings resulting from the waiver or modification.
10 Applications and plans developed by school districts must be
11 approved by each board of education following a public
12 hearing on the application and plan and the opportunity for
13 the board to hear testimony from educators directly involved
14 in its implementation, parents, and students. Such public
15 hearing shall be held on a day other than the day on which a
16 regular meeting of the board is held. The public hearing
17 must be preceded by at least one published notice occurring
18 at least 7 days prior to the hearing in a newspaper of
19 general circulation within the school district that sets
20 forth the time, date, place, and general subject matter of
21 the hearing. The school district must notify in writing the
22 affected exclusive collective bargaining agent and those
23 State legislators representing the district holding the
24 public hearing of the district's intent to seek approval of a
25 waiver or modification and of the hearing to be held to take
26 testimony from educators. The affected exclusive collective
27 bargaining agents shall be notified of such public hearing at
28 least 7 days prior to the date of the hearing and shall be
29 allowed to attend such public hearing. The district shall
30 attest to compliance with all of the notification and
31 procedural requirements set forth in this Section.

32 A request for a waiver or modification of administrative
33 rules and regulations or for a modification of mandates
34 contained in this School Code shall be submitted to the State

1 Board of Education within 15 days after approval by the board
2 of education. The application as submitted to the State
3 Board of Education shall include a description of the public
4 hearing. Following receipt of the request, the State Board
5 shall have 45 days to review the application and request. If
6 the State Board fails to disapprove the application within
7 that 45 day period, the waiver or modification shall be
8 deemed granted. The State Board may disapprove any request
9 if it is not based upon sound educational practices,
10 endangers the health or safety of students or staff,
11 compromises equal opportunities for learning, or fails to
12 demonstrate that the intent of the rule or mandate can be
13 addressed in a more effective, efficient, or economical
14 manner or have improved student performance as a primary
15 goal. Any request disapproved by the State Board may be
16 appealed to the General Assembly by the requesting school
17 district as outlined in this Section.

18 A request for a waiver from mandates contained in this
19 School Code shall be submitted to the State Board within 15
20 days after approval by the board of education. The
21 application as submitted to the State Board of Education
22 shall include a description of the public hearing. The
23 description shall include, but need not be limited to, the
24 means of notice, the number of people in attendance, the
25 number of people who spoke as proponents or opponents of the
26 waiver, a brief description of their comments, and whether
27 there were any written statements submitted. The State Board
28 shall review the applications and requests for completeness
29 and shall compile the requests in reports to be filed with
30 the General Assembly. The State Board shall file reports
31 outlining the waivers requested by school districts and
32 appeals by school districts of requests disapproved by the
33 State Board with the Senate and the House of Representatives
34 before each May 1 and October 1. The General Assembly may

1 disapprove the report of the State Board in whole or in part
2 within 30 calendar days after each house of the General
3 Assembly next convenes after the report is filed by adoption
4 of a resolution by a record vote of the majority of members
5 elected in each house. If the General Assembly fails to
6 disapprove any waiver request or appealed request within such
7 30 day period, the waiver or modification shall be deemed
8 granted. Any resolution adopted by the General Assembly
9 disapproving a report of the State Board in whole or in part
10 shall be binding on the State Board.

11 An approved waiver or modification may remain in effect
12 for a period not to exceed 5 school years and may be renewed
13 upon application by the school district. However, such waiver
14 or modification may be changed within that 5-year period by a
15 local school district board following the procedure as set
16 forth in this Section for the initial waiver or modification
17 request. If neither the State Board of Education nor the
18 General Assembly disapproves, the change is deemed granted.

19 On or before February 1, 1998, and each year thereafter,
20 the State Board of Education shall submit a cumulative report
21 summarizing all types of waiver mandates and modifications of
22 mandates granted by the State Board or the General Assembly.
23 The report shall identify the topic of the waiver along with
24 the number and percentage of school districts for which the
25 waiver has been granted. The report shall also include any
26 recommendations from the State Board regarding the repeal or
27 modification of waived mandates.

28 (Source: P.A. 89-3, eff. 2-27-95; 89-626, eff. 8-9-96; 90-62,
29 eff. 7-3-97; 90-462, eff. 8-17-97; 90-655, eff. 7-30-98.)

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.